

**COYOTE STOCKPILE PROJECT SUMMER CAMPAIGN
FINDING OF NO SIGNIFICANT IMPACT (FONSI),
DECISION RECORD,
AND
PLAN OF OPERATIONS**

Coyote Stockpile Project Summer Campaign
Environmental Assessment

3809 Plan of Operations, NVN-092866

U.S. Department of the Interior
Bureau of Land Management
Elko District
Tuscarora Field Office
3900 Idaho Street
Elko, NV 89801

A signature on this document establishes the issuance of the
FINDING OF NO SIGNIFICANT IMPACT and the approval of the DECISION RECORD and
PLAN OF OPERATIONS:

/s/ Richard E. Adams

Richard E. Adams
Tuscarora Field Manager

05/06/2015

Date Signed

**FINDING OF NO SIGNIFICANT IMPACT
FOR
COYOTE STOCKPILE PROJECT SUMMER CAMPAIGN
ENVIRONMENTAL ASSESSMENT
DOI-BLM-NV-E000-2015-0003-EA
(3809, NVN-092866)**

I have reviewed Environmental Assessment (EA) (DOI-BLM-NV-E000-2015-0003) for the Coyote Stockpile Project Summer Campaign, dated April 2015. After consideration of the environmental effects as described in the EA and incorporated herein, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined the proposed action is in conformance with the Elko Resource Area Resource Management Plan and is consistent with the plans and policies of the local, county, state, tribal and federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: The Coyote Stockpile Project Summer Campaign (Project) is located in Elko County, Nevada in the Tuscarora Mountains at the old Coyote Mine site, which is approximately 25 miles north to northwest of Carlin, Nevada. Progressive Contracting Inc. (PCI) would remove approximately 60,000 tons of barite ore from the existing mine site. This ore was shot or broken-up and left in place in the late 1970's to early 1980's. This bench of ore has existed in place and been available for removal for up to 35 years. The ore would be transported off-site for processing. The Project would also consist of limited road maintenance on the existing access road and the placement of gates and signs to provide for public safety during the removal of the ore from the old mine site. The Project would last approximately 24 weeks during the year 2015 and create approximately 5 acres of surface disturbance on existing disturbed areas. The Project would employ two to three individuals. This Project has a minimal impact on society as a whole (human, national) since the Project is small and lasting for a short duration.

Intensity:

1. Impacts that may be both beneficial and adverse.

The environmental assessment has considered both beneficial and adverse impacts of the proposed action. Removal of the shot bench of ore may allow for some reclamation to occur at the old mine site. The road maintenance activities would provide benefits by stabilizing and preventing erosion from occurring along the existing road, which creates sedimentation concerns and water quality issues for the Lahontan cutthroat trout that live in Little Jack Creek.

2. The degree to which the proposed action affects public health and safety.

The placement of gates and signs during the operation of removing the ore for processing and road maintenance will provide for public safety. Once the proposed action is completed the gates and signs will be removed returning the area to the use of the public. Maintenance on the existing road should provide for safe passage when traveling on this road.

3. Unique characteristics of the geographic area such as to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Project was evaluated for lands with wilderness characteristics and the area was found to have places that provide naturalness and outstanding opportunities for solitude or a primitive and unconfined type of recreation. The area does not have historic or cultural resources, park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas. Few wetlands may exist along springs in the vicinity and Little Jack Creek.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The Project is not controversial or anticipated to be highly controversial. The EA has been posted on the BLM Elko District Office website for a thirty day review period and the BLM has not received any inquiries or comments on the Project.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. Risks involved with the removal of ore from a mine site are known to the industry. This type of action always maintains some level of risk of injury to people. However, implementation of the regulations will lower the level or degree of risks on the human environment. Installing gates and posting signs will help to lessen the degree of hazards to the public while the Project is in operation. There are no known effects of the proposed action identified in the EA that are considered to be uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action does not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. Similar actions in the future would be subject to an environmental analysis under the National Environmental Policy Act and would undergo an independent decision making process.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

No significant cumulative impacts have been identified in the EA. This action was determined to be individually insignificant and also cumulatively insignificant. There are few other actions occurring in the area to add a cumulative impact. Actions that may create a significant impact added to the proposed action would be wildland fires occurring in the year 2015. Although wildland fires may occur in the area, especially with the drought conditions that exist, it is difficult to forecast the extent and the effects until fires occur as there are a variety of factors that play a role in the impacts of a wildland fire.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.

No districts, sites, highways, structures or objects listed in or eligible for listing in the NRHP were identified in the project area or stated in the EA. The proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources. The proposed action

is occurring on existing disturbance. No cultural or historical resources were found during the inventory.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

No endangered or threatened species or its habitat exists within the Project Area. However, Little Jack Creek supports the Lahontan cutthroat trout, a federally listed threatened species and the Columbia spotted frog, a federal candidate species. The existing access road to the Coyote Mine runs parallel and crosses Little Jack Creek. The proposed road maintenance on the existing access road would benefit these species by preventing erosion of the road and eliminating sedimentation into Little Jack Creek.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action or Project will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

**DECISION RECORD FOR THE
COYOTE STOCKPILE PROJECT SUMMER CAMPAIGN
ENVIRONMENTAL ASSESSMENT
DOI-BLM-NV-E000-2015-0003-EA
(3809, NVN-092866)**

Decision

It is my decision to authorize the Coyote Stockpile Project Summer Campaign as described in the proposed action of the environmental assessment (DOI-BLM-NV-E000-2015-0003-EA). This Finding of No Significant Impact (FONSI) and decision is contingent on meeting the stipulations and monitoring requirements stated below.

Stipulations

Nonnative Invasive Species and Noxious Weeds

PCI will be required to wash the equipment either at the jig plant location or vehicle wash bay in Carlin or Elko, Nevada or preferably their headquarters prior to transporting equipment to the Coyote Mine Project Area in order to prevent the spread of noxious weeds and invasive nonnative plant species.

Surface Waters

Crossing Little Jack Creek by other than light vehicles will only take place either during low flow or dry channel conditions in order to minimize or prevent sedimentation from occurring.

Migratory Birds

The standard operating procedure of conducting a migratory bird survey will be implemented during the avian breeding season of March 15 through July 31. It reads as follows:

Prior to surface disturbance being conducted during the avian breeding season (March 15 through July 31), Progressive Contracting Inc. (PCI) will provide a biologist to conduct migratory bird nest surveys of active road disturbance to verify no nesting birds will be affected. During the period from March 15 to May 30, all ground-disturbing activities will be completed within 14 days from the date on which the nest survey was performed. If activities begin or last more than 14 days from the date of the most recent nest survey, another nest survey will be performed to ensure that no nests were established or disturbed and that no take of migratory birds occurs. A single migratory bird nest survey can be performed without the 14-day time restriction for Project activities occurring between May 30 and July 31 as a substantial portion of migratory bird species will have completed nesting activities by then. If nests are located, or if other evidence of nesting (i.e. mated pairs, territorial defense, carrying nest material, transporting food) is observed, a protective buffer (the size depending on habitat requirements of the species) will be delineated in coordination the BLM and the buffer area avoided to prevent destruction or disturbance to birds or nests until they are no longer active.

The BLM seed mixture for the seeding of the pit floor and haul road disturbance will include plant species such as: blue flax (1/4 lb/acre), western yarrow (1/10 lb/acre), bluebunch wheatgrass (2 lbs/acre), crested wheatgrass (not to exceed 2 lbs/acre), small burnett (1/4 lb/acre), and antelope bitterbrush (2 lbs/acre). The pit floor will be seeded in the fall following completion of the Project. Application rate is 6-7 pounds per acre pure live seed. When broadcast seeding, the application rate shall be applied at one and half times or doubled. Adjustments to the seed mixture and application rate will be made in consultation with the BLM due to seed availability and site conditions following the removal of the ore. The Nevada Guidelines for Successful Revegetation for the Nevada Division of Environmental Protection, the Bureau of Land Management and the USDA forest Service (IM-NV-1999-013) will be utilized for guidance in determining criteria for successful revegetation.

Monitoring

A BLM representative will conduct regular field inspections throughout the operation and reclamation activities associated with the Proposed Action. Field compliance inspections will be documented in the Project file at the BLM Elko District Office.

Rationale

The rationale for the Decision Record is supported by the Surface Management and Use and Occupancy Under the Mining Law regulations (43 CFR 3809 *et seq.* and 3715 *et seq.*), FLPMA, and the Mining Law of 1872, as amended. The Project has been analyzed under the Council on Environmental Quality (CEQ) implementing regulations for NEPA (40 CFR 1500 *et seq.*) and none of the alternatives that were analyzed in detail were found to result in unnecessary or undue degradation of public lands. As a result of the analysis in the Coyote Stockpile Project Summer Campaign Environmental Assessment (DOI-BLM-NV-E000-2015-00032-EA), it was determined that the proposed action will not result in unnecessary or undue degradation to the public lands. The proposed action is in conformance with the Elko Resource Management Plan, Issue-Minerals, Management Prescription -1. The surface occupancy proposed in association with this Project meets the conditions specified in the applicable 43 CFR 3715 Regulations. It also conforms to Elko County's Resource Management Plan.

The implementation of the proposed action will allow Progressive Contracting Inc. (PCI) to remove approximately 60,000 tons of shot barite ore from the existing Coyote Mine site and conduct limited road maintenance on the existing access road. The 43 CFR 3809 Regulations require the claimant and/or operator to file a plan of operations when more than 1,000 tons of ore would be removed from a site for bulk sampling or mining were to be conducted at a site. The mitigation proposed in the plan of operations for road maintenance and the monitoring and mitigation developed through the environmental analysis for this project provide the BLM with a means of greater protection and management of the Project and affected resources. The proposed road maintenance will provide benefits to Little Jack Creek by preventing erosion and sedimentation to this important Lahontan cutthroat trout habitat. Conducting this operation during a dry season will also provide greater protection to the Lahontan cutthroat trout and aquatic habitat in Little Jack Creek.

The No Action Alternative was not selected because the environmental analysis of the proposed action as described in the plan of operations did not result in unnecessary or undue degradation of the public lands. The proposed road maintenance will provide a benefit for the protection of Lahontan cutthroat trout in Little Jack Creek. The road maintenance will repair the road and create a means to prevent erosion and sedimentation from entering Little Jack Creek.

Appeal Period

This decision is subject to appeal pursuant to 43 CFR §3809.800. A party that is adversely affected may file such an appeal in accordance with the procedures stated in the 43 CFR §3809.800 regulations. An appeal shall be filed no later than 30 days after the date the Decision Record is signed.

43 CFR 3809 APPEAL STATEMENT

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the BLM State Director in Nevada review this decision. If you request a State Director review, the request must be received in the BLM Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director.

If the Nevada State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the BLM Tuscarora Field Office, 3900 East Idaho Street, Elko, Nevada 89801 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

SURFACE MANAGEMENT REGULATIONS (43 CFR 3809) PLAN OF OPERATIONS APPROVAL

Decision

It is my decision to approve the Coyote Stockpile Project Summer Campaign Plan of Operations (NV-092866). The monitoring and mitigation described in the Decision Record shall become conditions of approval for this plan. Progressive Contracting Inc. (PCI) must also comply with all other applicable federal, state, and local regulations, including obtaining all necessary permits from the Nevada Division of Environmental Protection (NDEP) and other federal, state, and local agencies, and fulfilling any other applicable Federal Land Policy and Management Act (FLPMA) requirements before proceeding with this Project.

This Decision is issued pursuant to 43 CFR §3809.803. It is effective immediately and will remain in effect while appeals are pending before the Interior Board of Land Appeals (IBLA) unless IBLA grants a stay under §4.21(b) of this title. The plan of operations for this Project is hereby approved subject to the conditions of approval required to implement the Project in order to prevent unnecessary or undue degradation. PCI must conduct operations as described in the plan of operations, meet the performance standards found at 43 CFR §3809.420 and in accordance with all mitigation measures and conditions of approval.

Conditions of Approval

Currently, the Coyote Stockpile Project Summer Campaign Plan of Operations is bonded for the reclamation of the proposed action. The reclamation cost estimate (RCE) will also be updated and reviewed at least every three years unless required on a more frequent basis.

Approval of the Project by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the mining operation. Approval of the Project in no way implies the economic viability of the operation.

Any modification to the plan of operations must be coordinated with and approved by the Authorized Officer. Surface occupancy related to the Project is reasonably incidental to the mining and exploration operations.

Appeals

This decision is subject to appeal pursuant to 43 CFR §3809.800. A party that is adversely affected may file such an appeal in accordance with the procedures stated in the 43 CFR §3809.800 regulations. An appeal shall be filed no later than 30 days after the date the Decision Record is signed.

Surface Occupancy (43 CFR 3715 Regulations)

The surface occupancy proposed in association with the Coyote Stockpile Project Summer Campaign meets the conditions specified in the applicable regulations (43 CFR 3715). The

BLM is in concurrence with the occupancy of the subject lands. PCI must continue to comply with the 43 CFR 3715 Regulations.

If you are adversely affected by the surface occupancy approved as part of this decision, you may appeal to the Interior Board of Land Appeals (IBLA) under 43 CFR, Part 4. As the appellant you have the burden of showing that the decision appealed from is in error. This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. For further information, see the appeal procedures listed below under 43 CFR 3809 Appeal Statement.

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